

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No : 09/919,794
Applicant : Broker et al.
Filed : August 2, 2001
Title : Information Display System for an Appliance
Incorporating Electronic Interface Screen

TC/A.U. : 2173
Examiner : Hailu, Tadesse
Docket No. : BRO009-162

APPLICANT'S REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant of the above-identified U.S. patent application submits this Reply Brief in response to the Examiner's Answer dated January 1, 2009 and in support of an appeal from the June 17, 2008 final rejection of claims 1-20 in this application.

I. RESPONSE TO EXAMINER'S ARGUMENTS

Initially, it is noted that the Examiner keeps returning to Figure 2A of the Appellant's own application. However, the claims of the present invention do not cover the arrangement set forth in Figure 2A, such that **any reference to this figure by the Examiner should be disregarded**. Instead, the Boards' attention is drawn to Figure 2B which depicts a screen

divided into a plurality of selectable zones 15-20, wherein a first set of information (shown at 18 in Figure 2B), is displayed in one of the plurality of selectable zones 15-20, and wherein one of the plurality of selectable zones 15-20 becomes enlarged (screen 300), while automatically presenting a second set of information with the first set of information (shown in 250 of Figure 2B), with the second set of information (shown in 300 of Figure 2B) representing additional details concerning the first set of information. To this end, all the original information plus details of the original information are presented in the enlarged screen.

A. Whether claims 1-19 stand properly rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,390,005 to Kimoto et al.

1) Claims 1, 8 and 15

On page 12 of the Examiner's Answer, the Examiner argues that LENS MODE 21 (Figure 2 of Kimoto) is the first set of information and the second set of information is the PRESET 1-PRESET 9 information (Figure 3 of Kimoto). However, Figure 3 does not show an enlarged LENS MODE 21 at all. Instead, the Examiner appears to be arguing that showing a lower sub-menu is equivalent to the limitation of enlarging a first set of information and displaying a second set of information representing additional details of the first information. Even under the broadest reasonable interpretation, the Applicant submits that the Examiner's argument is unreasonable. As explained in the specification, if a user has experience interpreting a first set of information, e.g., diagnostic codes, then no further information on the data is required. However, if the user is not experienced in the interpretation of the first set of information, an additional selection can be made causing the first set of information to enlarge and presented with a second set of information which details the first set so as to substantially, entirely encompass the screen with both the first and second sets of information as represented by screen 300 in Figure 2B. See page 5, line 4 through page 10, line 4, and Figure 2B. Each of claims 1, 8 and 15 require both sets of information to exist upon enlarging the screen. This is in no way equivalent to bringing up a submenu.

2) Claims 2, 9 and 16

The Examiner argues that claims 2, 9 and 16 are not clearly argued by the Appellant. Only to simplify the Appeal, the Appellant grouped these claims with corresponding independent claims 1, 8 and 15, and instead separately argued the more specific claims wherein the codes are diagnostic codes and/or the additional information provides details of the codes, such as set forth in claims 3, 4, 10, 11 and 17.

3) Claims 3, 4, 10, 11 and 17

On page 13 of the Examiner's Answer, the Examiner continues to equate the help button of a copier with a plurality of diagnostic codes of the present invention. The Appellant maintains that the "help (?)" option of Kimoto is not "diagnostic codes" as required by claims 3 and 4, or "codes concerning operation of the appliance" as required by claims 10, 11 and 17. See Figure 7 of Kimoto. Pressing "help (?)" yields illustrations and messages which show how to use a copying machine (explanation on how to clear a jam, how to replenish toner, how to load copy sheets and various related function(s)). This is not the same as displaying definitions for a plurality of diagnostic codes.

The Examiner states that "as alleged by the appellant neither claim 3 nor claim 4 cites the first set of information being 'error and help codes'". It is unclear what the Examiner means by this statement. The Examiner then goes on to note that, in Figure 2A of the Appellant's application, a "diagnostics" option exists which may be pressed in order to bring up error codes 18. While this is true, **the layout depicted in Figure 2A is not claimed, and therefore, is irrelevant to the discussion of the claims.** Certainly, the Examiner's continued reference to this figure raises questions of a proper understanding of the invention for examination purposes.

4) Claims 5, 12 and 18

On page 14 of the Examiner's Response, the Examiner appears to argue, **for the first time**, that the requirement for the plurality of selectable zones to be divided into "substantially equally sized areas" is simply a design choice. The Applicant disagrees. Regardless, the argument upon which this Appeal is based is the Examiner's original argument that Kimoto shows top and bottom regions that are exactly equal sized and a middle region which is substantially similar. See page 7 of the Office Action. As argued in the Appeal Brief, at best, Figure 2 of Kimoto et al. shows a screen having two separate rows of selectable zones or buttons (i.e., LENS MODE, DUPLEX MODE, 1.00, AES etc.) in addition to a "HELP" button. This is not the same as a display screen divided into a plurality of selectable zones, wherein the selectable zones are substantially equally sized areas as required by claims 5, 12 and 18.

5) Claims 6 and 13

The Examiner appears to argue that claims 6 and 13 are not clearly argued by the Appellant. The Appellant grouped these claims with corresponding independent claims 1 and 8, and understands that the claims stand or fall based on the patentability of the independent claims.

6) Claims 7, 14 and 19

The Examiner appears to argue that claims 7 and 14 are not clearly argued by the Appellant. The Appellant grouped these claims with corresponding independent claims 1 and 8, and understands that the claims stand or fall based on the patentability of the independent claims. With respect to claim 19, the Appellant intended to group the claim with independent claim 15.

B. Whether claims 1, 8 and 15 stand properly rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,708,787 to Nakano et al.

1. Claims 1, 8 and 15

On page 15 of the Examiner's Answer, the Examiner maintains that Nakano teaches a first set of information (ITEM NAME B in Figure 3, menu 0) that becomes enlarged and is joined by a second set of information (ITEM NAME BA, BB & BC in Figure 3, menu 2). The Applicant maintains that Nakano clearly does not show an enlarged "ITEM NAME B" (first set of information) joined by ITEM NAME BA, BB & BC (second set of information). Thus, it is unclear how the Examiner views Nakano as teaching the limitations of claims 1, 8 and 15.

C. Whether claims 1, 8 and 15 stand properly rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,086,385 to Launey et al.

1. Claims 1, 8 and 15

On page 16 of the Examiner's Answer, the Examiner maintains that Figure 3B of Launey et al. depicts the Appellant's invention. The Appellant maintains that the sub-menu shown in Launey et al. is not the same as a second set of information **which must be presented with the first set of information and represents additional details of the first set of information.**

D. Whether claim 20 stands properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano et al. in view of U.S. Patent No. 5,818,428 to Eisenbrandt et al.

1. Claim 20


The Applicant maintains that claim 20 is patentable over the combination of prior art cited by the Examiner for reasons of record.

E. Conclusion

The M.P.E.P. clearly outlines examination guidelines including the instruction of: "The goal is to answer the question 'What did applicants invent?'" See *In re Abele*, 684 F.2d 902, 907, 214 USPQ 682, 687 (Fed. Cir.1992) and M.P.E.P. § 2106. M.P.E.P. § 2106 goes on to require that the Examiner "evaluate each claim limitation..." and "correlate each claim limitation to all portions of the disclosure that describe the claim limitation..." In the present case, the Examiner has compared prior art submenu patents to a portion of the Applicant's application not claimed (Figure 2A), and concluded that the invention is unpatentable. However, if the Applicant's actual invention is addressed, such as referring to Figure 2B, it is clear that over the course of two appeals the Examiner has failed to provide a single reference or combination of references that teaches the present invention, let alone addresses the same problem.

For at least the reasons set forth above, the Appellant respectfully submits that the present invention is patentably defined over the prior art of record such that the Examiner's rejections should be reverse and the application passed to issue.

Respectfully submitted,



Everett G. Diederiks, Jr.
Attorney for Applicant
Registration No. 33,323

Date: March 19, 2009
DIEDERIKS & WHITELOW, PLC
12471 Dillingham Square, #301
Woodbridge, VA 22192
Tel: (703) 583-8300
Fax: (703) 583-8301